United Nations S/2015/303

Security Council

Distr.: General
27 April 2015

Original: English

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of its mandate. It covers the activities of UNMIK, and developments related thereto, from 16 January to 15 April 2015.

2. The priorities of the Mission remain to promote security, stability and respect for human rights in Kosovo and in the region. In furtherance of its goals, UNMIK continues its constructive engagement with Pristina and Belgrade, all communities in Kosovo and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission (EULEX) continues to be present in Kosovo, in line with the statement by the President of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692). The United Nations agencies, funds and programmes work closely with the Mission.

II. Key political developments

3. The major political developments in Kosovo during the reporting period centred on the consolidation of the new Kosovo government and the resumption of the high-level dialogue between Belgrade and Pristina, which was facilitated by the European Union. Although the overall trends continued to be generally positive, both processes faced challenges. Other challenges faced by the new government in Pristina included the violent protests orchestrated by the opposition groups in Pristina, the suspension of the participation of the Serbian Civic Initiative in the government and Assembly of Kosovo following the announcement that the Minister for Communities and Returns, a Kosovo Serb, was no longer part of the government, and continuing irregular migration attempts from Kosovo. The agreement on the integration of judiciary structures in northern Kosovo, reached on 9 February in Brussels, was a new important step in the European Union-facilitated dialogue, although its implementation has been marked by delays. However, the government has remained focused on its ambitious plans for reform and

Please recycle

development across the range of fundamental matters relating to the economy and the rule of law. Its programme of activities for the period 2015-2018, adopted on 25 February, focused on five priorities: sustainable economic development, employment and social welfare, the rule of law, the fulfilment of all criteria linked to Kosovo's European Union integration agenda, and reforms in the education and health-care systems. In addition, and albeit belatedly, the Assembly of Kosovo has taken key actions on property matters, on a future specialist court to try cases investigated by the European Union Special Investigative Task Force, and on measures to prevent the participation of persons from Kosovo in foreign conflicts.

4. On 14 January, the President of the Assembly of Kosovo presented a draft law on the amendment and supplementation of the Law on Publicly Owned Enterprises. The Government of Serbia and 2,000 Kosovo Serb employees protested against the draft law, which was subsequently withdrawn. The law would have affected the status of the Trepca industrial enterprise, a major mining complex with facilities and employees in southern and northern Kosovo, which is subject to ongoing ownership disputes. On 19 January, an alternative law was adopted, which extended the legal deadline for the reorganization of the Trepca industrial enterprise for an 18-month period, extendable to 36 months, effectively preventing its liquidation and granting time to all parties concerned to address the issue.

5. In my previous report, I informed the Security Council of the stoning of a bus bringing Kosovo Serb internally displaced persons to Gjakovë/Đakovica for Orthodox Christmas on 6 January. Following public condemnation of the incident by the Minister for Communities and Returns and leader of the Serbian Civic Initiative, Aleksandar Jablanović, the opposition parties launched a sustained public campaign demanding his dismissal as Minister. Both the above-mentioned issue and the handling of the Trepca draft law by the government led the opposition parties, in particular Vetëvendosje supported by the Alliance for the Future of Kosovo, to organize public protests against the government on 24 and 27 January. Parts of the protesting crowds became violent and caused significant damage to public and private buildings in the centre of Pristina. The protest on 27 January was particularly violent, with 170 people requiring medical attention, including 107 police officers. The Kosovo police responded well in the face of determined and violent protestors; 160 persons were arrested and subsequently released. On 3 February, the Prime Minister, Isa Mustafa, announced that Mr. Jablanović was no longer part of the government.

6. In addition to the above-mentioned events, members of the Serbian Civic Initiative officially suspended their participation in both the coalition government and the Assembly of Kosovo. As at the end of the reporting period, they had not yet returned, although some had participated individually in a limited number of official meetings and had held frequent informal consultations throughout the period with leaders in Pristina.

7. On 18 March, the first joint meeting of Serb-majority municipal assemblies was convened in Graçanicë/Gračanica. Around 200 Kosovo Serb representatives from the central and local institutions of Kosovo, members of the interim municipal councils funded by Belgrade and the Director of the Office for Kosovo and Metohija of the Government of Serbia participated. The conclusions adopted expressed general dissatisfaction with the situation in Kosovo, and demanded the implementation of agreements reached between Belgrade and Pristina in the

framework of the European Union-facilitated dialogue, as well as between the Serbian Civic Initiative and other members of the coalition government.

8. On 9 February, the Prime Minister of Serbia, Aleksandar Vučić, and the Kosovo Prime Minister, Mr. Mustafa, met in Brussels for the first time. The meeting was facilitated by the European Union High Representative for Foreign Affairs and Security Policy, Federica Mogherini, and marked the resumption of the high-level Belgrade-Pristina dialogue. The discussions achieved concrete results, the most important of which was an agreement on the integration of the Kosovo judiciary (see section V of the present report). In the context of further normalization of relations, on 26 March Mr. Vučić initiated a direct telephone conversation with Mr. Mustafa, marking a new level of cooperation between the two leaders. The call was the first time the two had made contact without the presence of an international mediator since they both took office in 2014. On 26 and 27 March, the High Representative Mogherini visited Pristina and Belgrade to discuss the state of play and next steps in the European Union-facilitated dialogue and in their respective European paths.

9. The major spike in irregular migration from Kosovo to Western Europe during the previous reporting period continued until early February. On 5 February, the Assembly of Kosovo adopted a resolution on illegal migration in which it outlined measures to be taken by the Kosovo government to address the root causes and implications of the phenomenon. Such measures included promoting economic development, establishing a fund to prevent illegal migration, enacting changes in fiscal policy, concluding agreements with European Union countries on seasonal employment, and combating the criminal networks of human traffickers. A number of measures were taken subsequently at the regional level, under the coordination of the European Police Office and the judicial cooperation unit of the European Union, that led to the dismantling of criminal networks smuggling migrants from Kosovo. The measures included meetings in Belgrade with the participation of police officials from a number of European countries and Kosovo. The disruption of the criminal networks, in conjunction with information campaigns conducted in Kosovo and affected Western European countries, has significantly decreased migration since February. On 11 March, the European Parliament adopted a resolution in which it stressed the need for the Kosovo authorities to step up actions against criminal groups that smuggle migrants and to address the root causes of the problem.

10. On 12 March, the Assembly of Kosovo adopted a law on the prohibition of joining armed conflicts outside the State territory, marking a significant step forward in efforts to counter the recruitment of individuals from Kosovo to fight in conflicts abroad, primarily in the Syrian Arab Republic and Iraq. The Law provides for strong penalties for the organization, management of, recruitment for and training in any activities for that purpose, as well as for incitement to fight in foreign conflicts. On 25 March, the President of Kosovo, Atifete Jahjaga, signed the Law, which then entered into force. The Kosovo authorities also established an inter-agency task force for the prevention of violent extremism and radicalization.

11. On 25 March, alongside Western Balkan countries, Serbia participated in a ministerial conference hosted by Kosovo in Pristina on regional economic cooperation under the so-called Gymnich Formula. High-level European Union officials, including the Commissioner for European Neighbourhood Policy and

Enlargement Negotiations, Johannes Hahn, also attended and reiterated the commitment of the European Union to continue to invest in road and rail infrastructure throughout the region. The ministers agreed on a joint statement referring to further acceleration of the "Berlin process", in reference to the first Conference on the western Balkans, held in Berlin on 28 August 2014, and a list of specific projects.

12. On 7 March, the government of Kosovo adopted the draft constitutional amendments required to establish a specialist court to try cases arising from the findings of the European Union Special Investigative Task Force. On 9 March, the President of the Assembly of Kosovo referred the proposed amendments to the Kosovo Constitutional Court for a preliminary review. On 15 April, the Court concluded that the amendments were admissible and in conformity with the Kosovo Constitution. The President of Kosovo has called on the Assembly to complete the remaining steps required from Kosovo for the establishment of the specialist court.

III. Northern Kosovo

13. In northern Kosovo, the political focus continued to be centred on the disagreement between the authorities in Pristina and the four municipal authorities of northern Kosovo over the finalization of the municipal budgets. There were also a number of largely peaceful protests related to political and socioeconomic issues.

14. The stand-off between Pristina and the four municipal authorities continued because Pristina's requirement that the northern municipalities readopt their municipal budgets in line with Kosovo legislation remained unmet. The key point of contention regards the inclusion of expenditures for health and education, which have hitherto been funded by Belgrade. Full agreement over the issue is likely to be contingent on the establishment of the association/community of Serb municipalities. On 26 February, the Ministry of Local Government Administration sent a letter to each of the four mayors requesting that the municipal assemblies approve the Pristina-revised budgets by 1 March or face dissolution. Although the municipal assemblies have not been dissolved, in spite of their failure to meet the deadline, the accounts of the four northern municipalities have been frozen.

15. As in past years, the resumption of house construction works in the Kroi i Vitakut/Brdjani neighbourhood in North Mitrovica was marked by inter-ethnic tensions. On 18 and 20 March, attempts by Kosovo Albanians to resume housing construction in the area triggered Kosovo Serb protests, leading to the erection of roadblocks and a confrontation between the two communities. The Kosovo police intervened and defused the situation. The mayors of North and South Mitrovica subsequently reached an agreement to temporarily halt all construction in the area, establish working groups, and explore, in coordination with the central authorities, options for a sustainable solution to the long-standing issue.

16. The prevailing socioeconomic situation in northern Kosovo has also amplified the concerns of the 762 employees of the Serbian civil protection service on their integration into Kosovo institutions. So far, Pristina has offered 550 posts in government ministries and agencies and public companies in northern Kosovo, which would be financed from the development fund established for northern Kosovo in line with the First Agreement of Principles Governing the Normalization of Relations of 19 April 2013.

17. On 4 March, the Belgrade-operated electricity provider, Elektrokosmet, commenced collective power cuts in certain areas of northern Kosovo in which the majority of consumers had accumulated outstanding bills since 1 January 2015. The collective cuts were discontinued on 25 March. However, individual consumer power cuts began on 6 April, affecting businesses and consumers without meters.

18. UNMIK continued to facilitate meetings of the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and a Serbian forestry company on the integration of its employees into the Kosovo system.

IV. Security

19. The overall security situation in Kosovo remained stable, with the exception of the violent protests in Pristina referred to in paragraph 5 of the present report, and a series of violent incidents in North Mitrovica as described below.

20. On 16 January, a EULEX monitoring, mentoring and advising team resumed its activities, which had been suspended since April 2014 for security reasons, at the Zubin Potok police station.

21. On 19 January, an estimated 2,000 Kosovo Serbs staged protests by blocking roads in Leposaviq/Leposavić, Zvečan/Zveçan and Zubin Potok, over fears that the Trepca mining complex would be privatized or nationalized by the government of Kosovo. On 20 January, around 300 Kosovo Albanian miners in South Mitrovica staged a two-day strike, demanding clarification from the management of the mining complex on the amendments made to the Law on the Reorganization of Certain Enterprises and Their Assets, adopted by the Kosovo Assembly on 19 January. The strike ended after intervention by the municipal and the Pristina authorities.

22. On 18 and 23 March, around 250 protestors from across Kosovo, including former officers of the Ministry of the Interior of Serbia, demonstrated peacefully in North Mitrovica, calling for their integration into the Kosovo police or reinstatement into the Ministry of the Interior. On 9 March, around 500 people, including the mayors of the four northern municipalities and the Kosovo Minister for Local Government Administration, protested peacefully in North Mitrovica against the alleged plans of the Kosovo government to introduce rotations for the commanding staff of the Kosovo police in northern Kosovo.

23. On 9 April, a 16-year-old Kosovo Serb was stabbed at the main bridge in North Mitrovica. On 10 April, a Kosovo Albanian male disappeared in North Mitrovica after reportedly falling into the Iběr/Ibar River in unclear circumstances. At the request of the Kosovo police, KFOR authorized Kosovo Security Force divers to conduct a search and rescue operation in the river, which, however, has not been successful thus far. On 13 April, in North Mitrovica, three Kosovo Serbs suffered firearm injuries as a result of shooting by an unknown suspect. In another incident, shots were fired at a Kosovo police vehicle parked at the North Mitrovica hospital, causing material damage. In Zubin Potok, a hand grenade was thrown into a parking lot of the Kosovo police station, damaging three police vehicles. A note accusing EULEX, the Kosovo police and "domestic traitors" was found at the crime scene. The Kosovo President condemned the violent incidents, as did senior

officials of the Government of Serbia. The mayors of North and South Mitrovica met on 11 April to discuss the security situation. They called for calm and restraint among the local population and agreed to call an urgent meeting with the Kosovo police and international representatives to discuss the security situation.

24. Although the number of potentially ethnically-motivated incidents has decreased from that of the previous reporting period, there has been an increase in the number of incidents affecting unoccupied properties owned by non-majority communities.

V. Rule of law

25. UNMIK continued to monitor activities and exercise some responsibilities in the area of the rule of law, and maintained technical cooperation with relevant institutions in Pristina and Belgrade. UNMIK continued to facilitate requests for mutual legal assistance from countries that have not recognized Kosovo and to provide document-certification services both to Kosovo residents and at the request of non-recognizing States, primarily for the certification of civil status and for academic and pension documents. A total of 498 such documents were processed from 16 January to 14 March 2015.

26. UNMIK also continued to facilitate communications between the Kosovo authorities and the International Criminal Police Organization (INTERPOL) and its member countries. During the reporting period, UNMIK received 14 requests for international wanted notices and issued 32 INTERPOL red notices. The Kosovo Minister for Internal Affairs participated in the Summit on Countering Violent Extremism in Washington, D.C. in February 2015, where he met with the Secretary General of INTERPOL.

27. On 25 March, the Kosovo authorities issued a call for applications for judicial positions in the Basic Court of Mitrovica to be established in accordance with the European Union-facilitated agreement of 9 February on the integration of judiciary structures in northern Kosovo. The agreement, which was based on the principles agreed during talks in Brussels on 12 February 2014, provides for a single Basic Court of Mitrovica presided over by a Kosovo Serb judge, with one building in North Mitrovica and another in South Mitrovica. On 26 February, the Assembly of Kosovo elected three new members of the Kosovo Judicial Council for a five-year mandate. The election ended a deadlock in the Judicial Council that had lasted six months owing to the lack of a quorum. One of the selected candidates, however, subsequently came under investigation for alleged professional misconduct. The investigation is ongoing.

28. During the reporting period, concerns were expressed about the transparency of procurement activities by Kosovo institutions. The annual report for 2014 of the procurement review body, which was published on 9 March, cited 537 cases of violation of the law, including irregularities in bid evaluations, decisions on bid winners, tender dossiers and technical requirements, as well as unequal treatment of bidders. An annual report issued by the independent Kosovo Anti-Corruption Agency also indicated an increase in criminal charges, attributable largely to the non-declaration or false declaration of property. The Kosovo Minister of Finance stressed the need for amendments to the Law on Public Procurement and measures to ensure stricter adherence to professional ethics by public officials.

29. On 4 February, the Kosovo Memory Book database was presented by the Humanitarian Law Center in Pristina. The database, which aims to document all casualties from the conflict from the period 1998-2000, contains the names of 13,535 persons, civilian and military, who were allegedly killed during the conflict. The Memory Book was also presented in Belgrade.

30. As at 15 March, a total of 1,655 persons remained listed as missing from the Kosovo conflict, and UNMIK continued to support and encourage progress on the issue. On 29 January, the Pristina and Belgrade delegations in the Working Group on Missing Persons held a meeting in Rudnica, central Serbia, at Belgrade's initiative. They discussed next steps with regard to two possible mass grave sites in Serbia at Kozarevo (Novi Pazar) and in Rudnica.

31. In April, an independent expert who had been appointed in November 2014 to review the implementation of the mandate of EULEX with a particular focus on the handling of recent allegations (see S/2015/74, para. 28), submitted his report to the High Representative of the European Union for Foreign Affairs and Security Policy. The report, which is publicly available, was transmitted to the European Parliament and European Union member States. Although the report points out management shortcomings, among other things, it also states that there was no cover-up attempt as had been alleged.

VI. Returns and communities

32. The Office of the United Nations High Commissioner for Refugees (UNHCR) registered 36 individual voluntary returnees to Kosovo during January, February and March 2015, including 25 Kosovo Serbs, 8 Kosovo Roma and 3 Kosovo Gorani. As at March, the total number of voluntary minority returns since 2000 was 25,896, and the total number of Kosovo internally displaced persons was 17,086 according to estimates by UNHCR. Of the latter figure, 571 were living in 34 collective centres in Kosovo. UNHCR continued to provide support to individual community members in obtaining personal documentation and resolving issues relating to their civil status. During January, February and March, 199 individuals were assisted by UNHCR in obtaining civil documentation.

33. During the reporting period, efforts continued to advance voluntary returns to Kosovo, including through local mechanisms. In a number of municipalities, including Pejë/Peć, Obiliq/Obilić, Istog/Istok and Klinë/Klina, municipal working groups and task forces on returns reviewed and approved lists of potential beneficiaries within the framework of the fourth phase of the European Union Return and Reintegration housing project, which is co-financed by the European Union and the Ministry of Communities and Returns and is being implemented by the International Organization for Migration.

34. Unresolved property rights remained a key impeding factor to progress in voluntary returns and intercommunity relations in Kosovo. According to the OSCE report, entitled "Review of illegal reoccupation cases in Kosovo", more than 95 per cent of the 326 cases referred to the prosecution offices by the Kosovo Property Agency between 2008 and 2013 involved properties owned by Kosovo Serbs and illegally reoccupied by Kosovo Albanians following evictions. The report outlined serious shortcomings in the response of the authorities to the cases, including by the Kosovo Property Agency, the offices of public prosecutors and the courts.

35. On 3 April, the Kosovo government approved a draft concept document concerning the application procedures for members of non-majority communities seeking employment in Kosovo institutions. The document is aimed at preparing the ground for the implementation of legal provisions concerning the university in North Mitrovica, including the establishment of a legal framework for the validation of diplomas issued by the university for the purpose of employment in Kosovo public institutions.

VII. Cultural and religious heritage

36. On 30 January, two years after the adoption of a law calling for its establishment, the council for the protection of the historic village of Hoçë e Madhe/Velika Hoča, in the Rahovec/Orahovac municipality, was finally established. On 5 March, the OSCE Mission in Kosovo facilitated a meeting of members of the newly established council and members of the Council on the Cultural Heritage of the Historic Centre of Prizren to share experiences and discuss achievements and challenges regarding the functioning of the councils.

37. The Implementation Monitoring Council, which is co-chaired by the European Union and the Kosovo authorities and includes representatives of the Ministry of Environment and Spatial Planning, the Ministry of Culture, Youth and Sport, the Serbian Orthodox Church, the European Union and OSCE, continued to meet during the reporting period. On 5 March, the Ministry of Environment and Spatial Planning informed the municipality of Deçan/Dečani that the Serbian Orthodox Church had agreed to regularize the ongoing illegal construction in the special protective zone around the Visoki Dečani Monastery, provided that no new structures were added to the existing ones.

38. On the basis of a joint inspection and recommendation by members of the Implementation Monitoring Council on 27 February, the Church of Christ the Saviour, adjacent to the University of Pristina campus, was again sealed off in order to prevent dwelling by squatters and further abuse by others.

39. The number of incidents affecting religious sites increased slightly during the reporting period, with a total of 23 incidents. Serbian Orthodox Church and Islamic religious and cultural heritage sites were targeted in 14 and 2 incidents respectively, while such sites of other religions were targeted in the remaining seven incidents.

VIII. Human rights

40. On 19 February, the Agency for Gender Equality of the Office of the Prime Minister presented a study on the participation, role and position of women in central and local institutions and political parties in Kosovo. Published with support from the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the study was produced within the framework of the Kosovo action plan for the implementation of Security Council resolution 1325 (2000). Among other measures, the study recommended the improvement of the representation of women at the decision-making level. The Agency also hosted, on the occasion of International Women's Day on 8 March, a round-table discussion on women's property rights with a focus on a new draft administrative instruction for the registration of property in the name of both spouses. According to the Kosovo

Cadastral Agency, property ownership among women in Kosovo, at approximately 8 per cent, remains significantly lower than in other parts of the region. On 1 April, UNMIK organized a televised round-table discussion in South Mitrovica on women and entrepreneurship, with the participation of Kosovo Albanian and Kosovo Serb women. The event, which was broadcast by TV Mitrovica, highlighted women's concerns related to corruption, difficulties in accessing financial credit and achieving property ownership and the need to foster an entrepreneurial spirit among the new generation of women.

41. On 20 March, the Kosovo President announced a decision to extend the one-year mandate of the national council for the survivors of sexual violence during the war for an unspecified duration. Established in March 2014 and led by the President, the national council provides support for the implementation of the amendments to the Law on the Status and the Rights of the Martyrs, Invalids, Veterans, Members of Kosovo Liberation Army, Sexual Violence Victims of the War, Civilian Victims and Their Families which were adopted by the Assembly of Kosovo in March 2014.

42. On 12 March, the Office of the Language Commissioner in the Office of the Prime Minister presented the key findings of a comprehensive study on the status of the implementation of the Law on the Use of Languages in Kosovo. The study concluded that limited financial, technical and human resources and the lack of awareness of the legal framework continued to hinder the full implementation of the Law in public institutions. The study also noted an increasing trend towards monolingualism among civil servants employed within Kosovo institutions.

43. Owing to financial constraints, the Office of the United Nations High Commissioner for Human Rights (OHCHR) closed its only office in Kosovo on 28 February 2015. As at 1 March, OHCHR is continuing its engagement through the participation of a local human rights officer in joint human rights programmes with other United Nations entities in Kosovo, with the support of OHCHR headquarters.

44. During the reporting period, UNMIK liaised with the Committee on Enforced Disappearances on issues related to the respect for human rights and fundamental freedoms in Kosovo, as set forth in the International Convention for the Protection of All Persons from Enforced Disappearance, and in the follow-up to a visit to Kosovo by the Working Group on Enforced or Involuntary Disappearances from 24 to 26 June 2014.

45. The Human Rights Advisory Panel, which was established in 2006 to investigate individual allegations of human rights violations committed by UNMIK, continued its activities and issued its annual report for 2014 in March. As at the end of March 2015, the Panel has closed 454 cases, while 73 cases remain outstanding.

IX. Observations

46. I welcome the resumption of high-level meetings in Brussels in the context of the European Union-facilitated dialogue between the Prime Minister of Serbia, Aleksandar Vučić, and the Prime Minister of Kosovo, Isa Mustafa. The spirit of constructive cooperation and the emphasis on common interests remain encouraging, and the agreement on the integration of the judiciary in northern Kosovo, reached on 9 February, demonstrates the commitment of both sides to the implementation of the First Agreement of Principles Governing the Normalization of Relations of 19 April 2013 and to the continuation of the dialogue. Both Belgrade

and Pristina should take all necessary steps to faithfully implement the entirety of the agreements reached thus far.

47. I note the steps taken by the Kosovo authorities towards the establishment of the specialist court to try cases arising from the findings of the European Union Special Investigative Task Force. It is essential that the next steps in the process, which are crucial to the future of Kosovo, proceed expeditiously, and I urge the political leaders in Kosovo to redouble their efforts to that end. In spite of the many challenges presented to the new Kosovo government during its first 100 days, I commend the clear determination it has shown to pursue a course of necessary economic reform, respect for the rule of law and respectful engagement to promote reconciliation among Kosovo's communities. I strongly urge all political actors in Kosovo to refrain from the use of violence as a means to pursue political objectives, and to resolve their differences through peaceful means.

48. Just as importantly, it is crucial that both Belgrade and Pristina move forward in the implementation of the outstanding provisions of the Agreement of 19 April 2013. The core issue in this respect remains the establishment of the association/community of Serb municipalities. I urge political leaders in both Belgrade and Pristina to address the matter with urgency in consultation with the Kosovo Serbs and their political leaders, whose interests will be directly affected by the creation of the association/community. It is also essential that the issue of the resumption of Kosovo Serb participation in the Kosovo government and Assembly of Kosovo is resolved expeditiously.

49. Efforts should also continue towards the consolidation of stability in northern Kosovo and the promotion of strengthened institutional relations and cooperation between the local municipal authorities and the authorities in Pristina. To that end, both the Kosovo authorities and municipal leaders in northern Kosovo should engage constructively with one another to resolve the dispute over the municipal budgets and ensure continued delivery of basic community services. It also remains important that security incidents, such as those in North Mitrovica in April, are addressed promptly and do not affect intercommunity relations. Sustained efforts to promote respect for the rule of law and genuine long-term reconciliation among Kosovo's communities should also continue.

50. I welcome the enhanced regional cooperation to address the worrying trend of irregular migration from Kosovo in recent months. The concerted efforts by law enforcement authorities from a number of European countries, in cooperation with Belgrade and Pristina, are of particular note. However, further and longer-term efforts should be undertaken to improve the socioeconomic conditions in Kosovo and to address other causes of the recent population outflow.

51. I also welcome the legal initiatives taken by the Kosovo authorities to address the complex issue of radicalization and violent extremism.

52. I express my gratitude to my Special Representative, Farid Zarif, for his commitment to and effective leadership of the Mission, and to all UNMIK staff for their dedicated service. I also thank our partners on the ground, including KFOR, EULEX, OSCE, the European Union and members of the United Nations Kosovo Team, for their cooperation and valuable contribution.

Annex I

Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo covering the period from 16 January to 15 April 2015

1. Summary

The European Union Rule of Law Mission in Kosovo (EULEX) continued to undertake monitoring, mentoring and advising activities and to implement its executive functions in line with its mandate regarding the rule of law. Verdicts were pronounced in cases relating to corruption and the smuggling of migrants through Serbia to Hungary and other European Union member States. In addition, a number of organized crime trials started, including one involving an alleged international narcotics kingpin. The strike action taken by local first instance judges in March blocked the processing of many cases during that month, including for panels with EULEX judges.

In terms of monitoring, mentoring and advising activities, the Mission continued to advise the authorities in Kosovo on irregular migration. The phenomenon peaked during January and February but, following actions taken by the Kosovo authorities the number of irregular migrants has decreased drastically. EULEX continued to monitor the recruitment process for a new Chief State Prosecutor and has expressed its concern over the delay in the appointment of the selected candidate. The lack of a quorum at the Kosovo Judicial Council, which lasted for almost six months, was finally resolved through the election of three new members.

In northern Kosovo, the security situation remained relatively calm. The Kosovo police responded professionally to the instances that threatened to destabilize the relative calm (tensions in the ethnically mixed neighbourhood of Kroi i Vitakut/Brdjani in Mitrovica North, protests by some former members of the Ministry of the Interior of Serbia who had not been integrated). EULEX continued its outreach activities to increase the familiarity of the local population and leadership with the Mission's mandate and activities.

Significant progress was achieved in the European Union-facilitated dialogue; agreements were reached on justice integration and on the integration of the Serbia-sponsored civil protection service. Other positive developments included the first-ever meeting of the Serbian Police Director and the Kosovo Police Director, held in Belgrade, and the third central level meeting on the implementation of the agreement on the integrated management of crossing points, held at the Kosovo Police Headquarters in Pristina, both of which were facilitated by EULEX.

2. EULEX activities, January to April 2015

2.1 Executive

War crimes

During the reporting period, panels of three EULEX judges at Mitrovica Basic Court continued trials in three ongoing war crimes cases. All cases are led by EULEX prosecutors from the Kosovo Special Prosecution Office.

Main developments in organized crime and corruption

On 16 January, a panel of one local and two EULEX judges started the trial against an alleged narcotics kingpin at Pristina Basic Court amid significant press interest. The defendant is charged with organized crime, drug trafficking and aggravated murder. The case is led by a EULEX prosecutor from the Kosovo Special Prosecution Office.

On 16 January, a EULEX prosecutor from the Special Prosecution Office filed an indictment against seven defendants for alleged corruption in a tender process for security services at the public utility company then named Kosovo Energy Corporation (KEK). The alleged value of the damage to KEK exceeds €6 million.

On 19 January, a EULEX prosecutor from the Special Prosecution Office filed an indictment against five persons, of whom three are officials within the Ministry of Internal Affairs and two are engaged in business. The defendants are charged with various offences including organized crime and abuse of official position or authority. The allegations concern a tender process for the supply of arms, ammunition and surveillance equipment to the Kosovo police. There is, however, nothing to suggest that the Kosovo police is implicated.

On 22 January, a panel of one local and two EULEX judges pronounced the judgement in a case against eight defendants charged with smuggling of migrants from Albania and Kosovo through Hungary to other European Union member States. All defendants pleaded guilty. Seven persons received suspended sentences ranging from one year and six months to two years, while one was sentenced to two years and four months imprisonment.

On 1 April, the trial started against six defendants charged with organized crime, smuggling of migrants and money-laundering. The case is led by a EULEX prosecutor from the Kosovo Special Prosecution Office.

Other serious crimes cases

On 21 January, a panel of two local judges and one EULEX judge sentenced a bank director to three years of imprisonment for fraud, abuse of official position and falsification of documents. A suspended sentence of 10 months was imposed against another defendant. The defendants were also ordered to pay €200,000 and €5,000 respectively in compensation.

On 23 January, a EULEX prosecutor from the Kosovo Special Prosecution Office filed an indictment on terrorism-related charges against five defendants. The defendants were arrested as a result of a Kosovo police investigation for aggravated assault committed against two Christian missionaries in Pristina in 2013.

On 4 February, a EULEX majority panel at Pristina Basic Court sentenced two defendants to one year and three months of imprisonment respectively for trading in influence. They were also obliged to pay €200,000 as compensation. In 2009, they had received €200,000 for exerting influence over the decision-making of officials from the privatization agency in a tendering process. The case was led by a EULEX prosecutor from the Kosovo Special Prosecution Office.

On 6 February, a panel of one local judge and two EULEX judges at Gjilan/Gnjilane Basic Court started the trial against a defendant who is suspected of having shot and seriously injured several police officers in the former Yugoslav Republic of Macedonia during two attacks in 2004, which resulted in grievous bodily harm, as well as of illegal possession of a large quantity of weaponry. The case is led by a EULEX prosecutor from the Kosovo Special Prosecution Office.

On 19 March, a panel of two local judges and one EULEX judge at the Court of Appeals finalized the verdict in a migrant smuggling case. The Court of Appeals found substantial violations of the criminal procedure in the verdict of Prizren Basic Court in 2013 and ordered a retrial.

On 25 March, Kosovo police arrested 10 suspects during searches at six locations in the municipality of Vushtrri/Vučitrn, during a joint Kosovo police/EULEX operation. The searches relate to an ongoing investigation by EULEX prosecutors at Mitrovica Basic Prosecution Office into extortion, usury, tax evasion and prohibited trade. The following day, a EULEX judge held a detention hearing of the suspects and three of the defendants were ordered detained on remand for one month.

On 2 April, a panel of two local judges and one EULEX judge at Prizren Basic Court sentenced a defendant to seven years' imprisonment and ordered him to pay a fine of €25,000 for unauthorized possession, distribution and sale of dangerous narcotics and psychotropic substances.

Allegations found in the report of the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe

The allegations made in the 2011 report of the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe, Dick Marty, entitled "Inhuman treatment of people and illicit trafficking in human organs in Kosovo", continued to be investigated during the reporting period by the Special Investigative Task Force. The inquiry conducted by the Task Force, which was formed in 2011, seeks to determine the individual criminal liability of those most responsible for the actions alleged in the report.

Engagement is ongoing with injured parties, victim advocacy groups and individuals in order to gather information relevant to the investigation. Cooperation with judicial and law-enforcement authorities in the region and beyond remains satisfactory. The Task Force looks forward to sustained cooperation from all parties as investigative and operational activities continue to make progress.

The Kosovo government adopted the necessary constitutional amendments, on 7 March. The draft amendments were then transmitted by the Speaker of the Kosovo Assembly to the Kosovo Constitutional Court. On 15 April, the Constitutional Court issued its assessment of the amendments and found them in compliance with

constitutional safeguards for the protection of human rights. The build-up of the planning team for the specialist chambers continues.

Department of Forensic Medicine

On 9 February, EULEX forensic experts at the Department of Forensic Medicine executed an order of the Kosovo Special Prosecution Office and exhumed a body in Mitrovica North. In March, EULEX forensic anthropologists at the Department started delivering practical training in anthropology to two local medical doctors. EULEX is also training local forensic doctors in performing autopsies in missing persons' cases. Two graves were exhumed and both autopsies were performed jointly with local doctors. EULEX also conducted field operations in the Suhareka/Suva Reka area and a site visit in the Pejë/Peć region to explore a possible grave site. EULEX sent 104 bone samples for DNA analysis to the International Committee on Missing Persons, based in Bosnia and Herzegovina, which currently only has a budget to process around 20 of these. On 2 April, the Department met the families of 28 victims found in Raška, Serbia, in 2014 to officially inform them about the identification of their relatives and hand over documents.

Property rights

At the end of March, the Kosovo Property Claims Commissioners terminated their work after finalizing draft decisions stemming from their last formal session in December 2014 and reprocessing 23 claims because of processing errors. From 16 January to 15 April, the Kosovo Property Agency Appeals Panel received 80 new appeals and adjudicated 12 appeals.

During the reporting period, the Special Chamber of the Supreme Court for privatization matters rendered 514 decisions in trial panel cases and finalized 60 cases at the appellate panel level.

Other important developments

Local first instance judges were on strike from 3 to 27 March. This hampered the processing of cases throughout Kosovo, including for panels with EULEX judges. Trials throughout Kosovo were delayed, with the exception of Mitrovica Basic Court, where cases continue to be adjudicated by panels composed of EULEX judges only.

2.2 Strengthening

In January and February, irregular migration from Kosovo towards the European Union reached its peak. There are strong indications that numbers have since decreased. EULEX continuously monitored the phenomenon and advised Kosovo Border Police on the matter. The biggest challenge for the Border Police is to strike the right balance between facilitating the freedom of movement while recognizing travellers who have the intention to proceed to the European Union without proper documentation. Once recognized, the only legal possibility for the Border Police is to persuade those individuals not to leave Kosovo by informing them of the associated risks and consequences. In line with the advice of EULEX to the Border Police, there has been an improvement in the flow of information targeting those intending to travel through Serbia to European Union countries

without a visa (for example, informing them about financial, legal and personal risks and possible consequences). Upon the advice of the Mission, the Border Police started to perform checks of the licences of bus and taxi companies jointly with the Kosovo police Traffic Unit and inspectors of the Ministry of Infrastructure. The Border Police were further advised to improve the collection of intelligence from repatriated irregular migrants.

Furthermore, the Mission provided strategically targeted advice to the Ministry of Internal Affairs on measures to reduce the migration phenomenon. This advice included a comprehensive public information campaign, better utilization of the border management system to keep track of people entering or exiting Kosovo, improved information-sharing with Serbian counterparts at the crossing points and a review of the National Migration Strategy 2013-2018.

The lack of a quorum at the Kosovo Judicial Council, which lasted for almost six months, was finally resolved through the election of three new members (including one from a non-majority community) for five-year mandates by the Assembly of Kosovo. In addition, the Judicial Council has opined that the mandate of the remaining three former members of the Independent Judicial and Prosecutorial Commission (precursor to the Kosovo Judicial Council and the Kosovo Prosecutorial Council) still serving in the Judicial Council should be extended as there was an option of serving one additional year. In addition, the Mission advised the Kosovo Prosecutorial Council with regard to the extension of the mandate of a member of that Council who had been appointed by the Independent Judicial and Prosecutorial Commission. The Kosovo Prosecutorial Council followed the same line as the Kosovo Judicial Council. EULEX advised that the extension in the mandate of the member of the Prosecutorial Council could contribute towards ensuring institutional stability.

The Kosovo Prosecutorial Council finalized the repeated selection process for the Chief State Prosecutor on 20 February by nominating the only remaining candidate for the position after the final interview. The proposal was forwarded to the Kosovo President for formal appointment. The Mission continues to monitor developments and has expressed concern over the delay in the finalization of the appointment, which is still pending in the President's office.

EULEX designed and conducted a specialized seminar for the Kosovo Anti-Corruption Agency in order to strengthen capacities of staff in conducting effective preliminary investigations as well as preparing substantiated investigation reports for the prosecution offices.

Since the beginning of the year, the Kosovo police had to deal with several high-profile and mass events. The performance of the police in providing VIP escort and protection as well as in crowd and riot control indicates that there has been significant improvement in its operational capacity and EULEX assessed the police's performance as competent and in accordance with European best practices.

In February, Kosovo Customs announced an increase in revenue of 4.14 per cent from 2013 to 2014, despite a significant decrease in imports. Customs revenue collection amounts to around 80 per cent of Kosovo's gross domestic product. The success of Kosovo Customs is attributed mainly to improved work practices and enhanced compliance measures. EULEX provided advice for their introduction and implementation. The 2015 revenue collection target set by the Kosovo authorities is

even higher and more challenging in the light of decreasing imports and staff shortages. EULEX also met the Ministry of Finance to discuss plans and concerns. In order to address the recurring issue of shortages of Kosovo Correctional Service staff in prisons, the Mission proposed a more efficient use of staff resources. Finally, the preferential treatment of some prisoners has been flagged as an issue of concern by EULEX on a number of occasions.

In March, the Kosovo Correctional Service granted humanitarian leave to a high-profile prisoner for four consecutive days following the death of a person that was not a first degree relative. This is against Service regulations, not in accordance with the common practice of the Service and therefore considered to be preferential treatment. The Mission advised the Service to conduct an internal investigation and to take adequate measures as deemed appropriate.

2.3 The north

The Mission continued to meet regularly with political representatives, civil society, Kosovo Police Regional Command North, the Kosovo Correctional Service at the Mitrovica Detention Centre and others as part of its outreach in the north.

The political and security situation remained relatively calm with the exception of a few notable incidents. On 19 January, miners and municipal employees held a peaceful demonstration in response to the announced intention of Kosovo authorities to nationalize the Trepca mining complex, which was later postponed. Former employees of the Serbian Ministry of the Interior who did not integrate into the Kosovo police staged a series of peaceful protests in Mitrovica North in February and March, demanding integration of remaining staff or reintegration into the Serbian Ministry of the Interior.

Among other security incidents, on 28 February, there was an explosion in Mitrovica North, causing minor material damage. On 9 March, the northern mayors organized a protest against the announced intention of the Director General of the Kosovo police to reshuffle staff to match ranks with appropriate positions in Kosovo police north. On 18 and 20 March, tensions flared up again in the ethnically mixed residential area of Kroi i Vitakut/Brdjani. EULEX monitored the events while being ready to intervene as second responder. However, this was not necessary as the Kosovo police contained the situation. In addition, the joint political message sent by the Mayors of Mitrovica South and Mitrovica North calling for mutual compromise and further talks helped to ease tensions. On 29 March, Kosovo Albanian football supporters gathered from the south side on the main bridge in Mitrovica to cheer the results of a football game. The Kosovo police was able to contain the situation thus averting the potential of conflict with Kosovo Serbs on the north side of the bridge. On 2 April, there were two cases of suspected arson, involving the private vehicles of Kosovo police officers. On 4 April, a car owned by a private firm was set on fire in Zvečan/Zveçan. On 10 April, a Kosovo Albanian juvenile was reported missing. The Kosovo police initiated a search and rescue operation which was led by the Kosovo Security Force and supported by KFOR and the Mitrovica North fire brigade and coordinated with EULEX and the mayors in Mitrovica North and South. EULEX exercised its executive functions in a number of judicial cases that continue to attract wide attention. On 10-11 April, a number of potentially inter-ethnic incidents involving youth were recorded near the main bridge in Mitrovica North. The Kosovo police, together with EULEX and KFOR,

and in coordination with the mayors of Mitrovica South and Mitrovica North, contained the situation and prevented further escalation. On 13 April, a hand grenade exploded at the car park of the Kosovo police station in Zubin Potok, causing material damage. On the same day, a police vehicle parked in Mitrovica North came under fire by unknown perpetrators. The police officers who were manning the vehicle were, at the time of the incident, interviewing the victims of a shooting that took place in a local nightclub the night before.

EULEX exercised its executive functions in a number of judicial cases that continue to attract wide attention. On 19 January, the main trial started against two defendants in a case involving the murder of Kosovo police officer Enver Zymberi in 2011. In parallel, the hearings continued in another case involving the same crimes and events but two other defendants. On 12 February, a EULEX prosecutor interviewed two Kosovo police officers from Zubin Potok in this case and the police executed searches in their houses.

Also on 12 February, a panel of three EULEX judges at Mitrovica Basic Court sentenced a defendant to 14 years' imprisonment for sexual abuse of persons under the age of 16, attempted facilitation of prostitution, attempted sexual assault and rape.

The main trial in the case relating to a Kosovo Serb politician accused of war crimes continued throughout the reporting period; the hearing of all prosecution witnesses was finalized by the end of March. On 20 March, EULEX prosecutors issued 13 summonses for interviews in relation to the ongoing investigation into the murder of the EULEX customs officer Audrius Šenavičius in 2013. Ten of the 13 individuals summoned presented themselves for the interviews. EULEX prosecutors are assessing the follow-up to the non-appearance of the three remaining individuals.

The Mission continued to provide advice to the Kosovo police through its monitoring, mentoring and advising efforts, including on inter-ethnic crime, on principles of intelligence-led policing and on community policing, and supported the police in establishing four local public security committees. On 16 January, EULEX resumed its monitoring, mentoring and advising role in the Municipality of Zubin Potok after the withdrawal of its staff from there in April 2014 because of security concerns. EULEX helped Kosovo police north to understand the importance of improved cooperation with Kosovo police centralized units and Kosovo police in Mitrovica South, EULEX and KFOR for a more efficient response to incidents.

2.4 Dialogue implementation

There were positive developments with regard to justice integration, for which an agreement was reached on 9 February in the framework of the European Union-facilitated dialogue. In this context, on 25 March, the Kosovo Judicial Council and the Kosovo Prosecutorial Council issued vacancy notices for 15 judges and 48 prosecutors in Kosovo judicial institutions for the process of integration. The vacancies were published on the institutions' websites as well as in four Kosovo newspapers, with an application deadline of 25 May.

On 10 March, EULEX facilitated the first-ever meeting of the police directors of Serbia and Kosovo, which took place in a friendly atmosphere. The parties

discussed security along the crossing points with Serbia, the integration of former officers of the Ministry of the Interior of Serbia, arrest warrants for Serbian citizens and irregular migration. Both sides reiterated their interest in intensive cooperation and agreed that direct operational contacts are urgently needed.

On 12 March, the third central level meeting on the implementation of the agreement on the integrated management of crossing points was held at the Kosovo police headquarters in Pristina. This was the first meeting between the two parties hosted outside European Union premises and signifies yet another positive step forward in the implementation of the agreement. The meeting produced a number of positive agreements including on cooperation on irregular migration and entry/exit forms.

On 27 January, the transfer of administrative responsibility of crossing point Běrnjak/Tabalije from EULEX to the Kosovo police was finalized. Besides the communication link, all other services are now the responsibility of the Kosovo police.

On 26 March, the parties reached an agreement on the process of integration of the civil protection staff in northern Kosovo. EULEX will support the implementation of the agreement in the coming months.

EULEX continued to monitor the use of certified copies of civil registry books with visits to 125 field offices in southern Kosovo. Furthermore, the Mission provided advice to the Civil Registration Agency in order to help prepare or improve its cooperation agreements on information-sharing with law enforcement agencies.

The Kosovo Food and Veterinary Agency informed EULEX that it has issued licences to all 30 companies importing controlled food products through crossing point Rudnica/Jarinjë that had applied for licences before the 31 December deadline.

3. Other key issues

Mr. Jean Paul Jacqué, the independent and experienced legal personality appointed by the High Representative on 10 November to review the implementation of the Mission's mandate with a particular focus on the handling of recent allegations presented his report to the High Representative early in April.

In his report, Mr. Jacqué clearly refers to the willingness and desire of the Mission to "find out the truth" in this entire matter and to ensure the allegations are fully investigated. Mr. Jacqué has found no evidence of an attempt at a cover-up by the Mission, as previously alleged.

The report also contains 21 recommendations, each of which will be carefully considered to identify how to best implement it.

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 April 2015)

Country	*Number*
Austria	1
Germany	1
Hungary	1
Italy	1
Russian Federation	1
Turkey	1
Ukraine	1
Total	**7**

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 April 2015)

Country	*Number*
Czech Republic	2
Poland	1
Republic of Moldova	1
Romania	1
Turkey	1
Ukraine	2
Total	**8**

Map No. 4133 Rev. 61 UNITED NATIONS
April 2015 (Colour)

Department of Field Support
Cartographic Section